

. THE WARRANT
SPECIAL TOWN MEETING – November 2, 2021
TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the Municipal Building, Third Floor Auditorium in said Town on Tuesday the second day of November, 2021 at eight o'clock in the forenoon until eight o'clock afternoon, then and there to act on Articles numbered one through nine, all of said articles being set out below to wit:

Article 1 - ELECTION OF MODERATOR - To choose a Moderator to preside at said meeting.

Article 2 – BOND ISSUE – Architectural and Engineering Design for the Conners Emerson School – Shall the Town of Bar Harbor:

1. **Authorize** the Town Council to provide monies to procure architectural and engineering design for the Conners Emerson School, known as the **CE DESIGN**, to include all costs related to the following:
 - Architect/Engineer/Landscape Architect for schematic design, design development, construction documents, obtaining required approvals from State and Local agencies and construction procurement
 - Security consultation, site surveys, geotechnical testing and analysis, hazardous material survey and abatement
 - Traffic pattern study and design
 - Furniture bidding and procurement
2. **Appropriate** the sum of Three million dollars (\$3,000,000) to provide for the costs of said project, including final engineering and transaction costs;
3. **Authorize** the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Three Million Dollars (\$3,000,000); and

4. **Delegate** the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council.

FINANCIAL STATEMENT

As of November 2, 2021

1. Total Town Indebtedness- Principal

A. Bonds outstanding and unpaid	\$17,142,235
B. Bonds authorized and unissued (June 2021)	750,000
C. Bonds to be issued if this article is approved:	\$3,000,000

2. Costs

At an estimated interest rate of 2.00% for a twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal:	\$3,000,000
Interest:	<u>\$651,237</u>
<u>Total Debt Service:</u>	<u>\$3,651,237</u>

3. Validity

The validity of the bond and of the voters' ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

Sarah M. Gilbert
Treasurer
Town of Bar Harbor

Explanation:

The Conners Building (1952) and the Emerson (1962) serving the K-8 school population are in need of critical repairs and renovations that can no longer be prudently deferred with limited annual CIP allocations each year. The buildings require demolition, renovations and repairs to maintain a safe environment. This bond will include detailed architectural and engineering plans for such upgrades while keeping with zero energy goals, on site traffic pattern update, and infrastructure plans as needed.

Recommendations:

The five-member School Committee recommends adoption by a vote of 4 to 0.

The seven-member Town Council recommends adoption by a vote of 6 to 0.

The 15-member Warrant Committee recommends adoption by a vote of 14 to 1.

Article 3 – LAND USE ORDINANCE AMENDMENT – Signage – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to create new, and amend existing, regulations regarding signage;” be enacted?

Signage

An amendment to Articles V and XII to address where certain types of internally illuminated signs can and cannot be located; to clarify how to calculate what percent of a building’s exterior wall a sign covers; to establish a color temperature limit for externally illuminated sign light sources; to amend and clarify what types of sign may be replaced without Design Review Board review; to amend existing definitions related to internally illuminated signage; and to add new definitions for two types of internally illuminated signs: push-through lettering (of which one subtype would be allowed anywhere in town and another subtype would be allowed only on lots with frontage on Route 3, Route 102 and Route 233) and neon sign (such signs are already allowed, up to a certain size and in specific parts of town, but there is no definition at present).

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

Please note: Old language is ~~stricken~~. New language is underlined.

Chapter 125 , LAND USE ORDINANCE

Article V. Site Plan Review

§ 125-67 General review standards.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

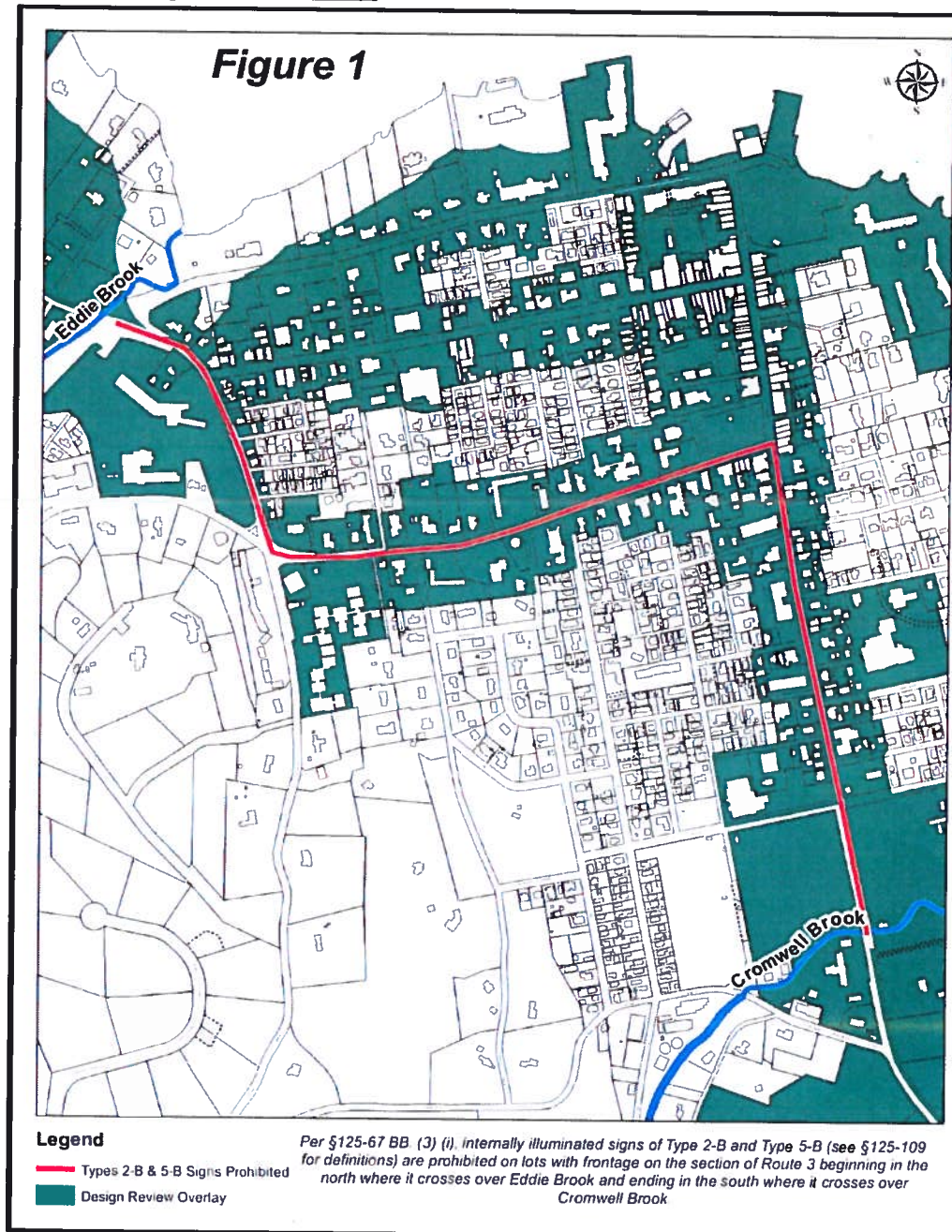
(3) Prohibitions.

(h) Internally illuminated signs of Type 1, cabinet with translucent face, ~~and Type 23,~~ channel letter, and type 4 halo are prohibited in all districts.

(i) Internally illuminated signs of Type 2-B, cabinet with light limiting face, 30% (or less)

translucent face/70% (or greater) opaque background field, and Type 5-B, push-through lighting, 30% (or less) translucent/70% (or greater) opaque background field, are prohibited in all districts except for lots with frontage on Route 102, or Route 3, or Route 233. They are also prohibited on lots with frontage on the section of Route 3 beginning in the north where it crosses over Eddie Brook and ending in the south where it crosses over Cromwell Brook, as shown in Figure 1.

(j) The color temperature of an externally illuminated sign's light source shall not exceed 3,000 degrees Kelvin (K).



(4) General requirements for all signs.

(f) Wall signs. The maximum area of a wall sign shall not exceed 10% of the ~~wall area~~ facade to which it is attached. Projecting wall signs shall have a minimum of 10 feet of clearance from the ground.

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness. All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the identified districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(f) Property owners of multitenant buildings shall submit an overall signage plan for their property. No individual sign shall be approved on a multitenant building unless a signage plan has been submitted and approved. The signage plan need not show the specific message content for any individual sign contained therein; ~~but as changes occur, individual signs will be reviewed.~~ In addition to Table 2,[4] the signage plan shall show:

[1] Allowable square footage for each unit;

[2] Any restrictions on signage as may be imposed by the landowner.

(o) Exemptions. The following activities are not subject to design review:

[1] Replacement of one conforming ~~wall-mounted, hanging, or window~~ non-internally illuminated sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.

[2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.

Article XII. Construction and Definition

§ 125-109 Definitions.

The following terms shall have the following meanings:

SIGN, INTERNALLY ILLUMINATED — A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are ~~four~~ five types, as follows:

- A. **TYPE 1; CABINET WITH TRANSLUCENT FACE** — An internally illuminated sign with a cabinet-style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.
- B. **TYPE 2; CABINET WITH LIGHT LIMITING FACE** — An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories:
- (1) **Type 2-A:** Twenty percent (or less) translucent face/80% (or greater) opaque background field.
 - (2) **Type 2-B:** Thirty percent (or less) translucent face/70% (or greater) opaque background field.
- C. **TYPE 3; CHANNEL LETTER** — An internally illuminated sign comprised of three-dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letters are mounted.
- D. **TYPE 4; HALO** — An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.
- E. **TYPE 5; PUSH-THROUGH LETTERING** — An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push-through) section is limited to one-half inch in depth. This type of sign has two acceptable categories:
- (1) **Type 5-A:** Twenty percent (or less) translucent face/80% (or greater) opaque background field.
 - (2) **Type 5-B:** Thirty percent (or less) translucent face/70% (or greater) opaque background field.

SIGN, NEON — A sign featuring exposed visible tubing illuminated by neon or other fluorescing gas. The term “neon” shall also include light-emitting diode (LED) or similarly lit signs intended to simulate the appearance of neon signage.

Explanation:

This amendment would:

- *Correct an error in the list of internally illuminated signs that are prohibited in all districts (where “Type 2” was supposed to be “Type 3”), and additionally add Type 4 (halo) to the list of internally illuminated signs prohibited in all districts;*
- *Delineate where certain subtypes (Type 2-B and Type 5-B) of internally illuminated signs would be allowed and prohibited (newly allowing them on Route*

233, and newly prohibiting them on a specific section of Route 3 in the downtown area);

- Add an inset map illustration to graphically show the section of Route 3 where Type 2-B and Type 5-B signs would be prohibited;
- Establish a color temperature limit for light sources of externally illuminated signs by codifying the 3,000 Kelvin limit the Design Review Board has been recommending to applicants;
- Change a limit on wall sign size from being capped at 10% of “wall area” (which is not defined in the ordinance) to “facade” (an existing definition);
- Resolve a discrepancy between §125-67 BB. (6) (f) and §125-67 BB. (6) (o) [2] regarding review of signs under a multi-tenant signage plan by striking part of 125-67 BB. (6) (f);
- Allow for the replacement of individual, conforming, non-illuminated signs without requiring Design Review Board review, broadening an existing exemption that is limited to three specific types of signs.
- Create and define a fifth type of internally illuminated sign called “push-through lettering”;
- Differentiate the two subtypes of Type 2 internally illuminated signs, as “Type 2-A” and “Type 2-B”; and
- Create and define a new type of sign called neon sign, recognizing it is a type of sign that already exists in town under certain circumstances and which is referred to elsewhere in the ordinance but is not presently defined, with the definition including signs designed to simulate the appearance of neon signage.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 15-member Warrant Committee recommends adoption by a vote of 14 to 0.

Article 4 – LAND USE ORDINANCE AMENDMENT – Short-Term Rentals – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to regulate short-term rentals;” be enacted?

Short-Term Rentals

An amendment to Articles III, V, and XII to:

- a) Regulate short-term rentals by creating and defining short-term rental, vacation rental-1 (VR-1) and vacation rental-2 (VR-2) uses, and amend and add related definitions;
- b) Establish specific standards for the new uses including, but not limited to, provisions for transition from vacation rental (VR) to VR-1 and to VR-2;
- c) Allow existing VR registrations to continue operating so long as the registration is renewed annually;
- d) Allow VR-1 a minimum rental period of two nights;

- e) Allow a maximum number of two VR-1 registrations per primary residence property;
- f) Allow VR-2 a minimum rental period of four nights;
- g) Cap the maximum town-wide number of VR-2 registrations at 9% of the total number of residential dwelling units in Bar Harbor;
- h) Prohibit the transfer of any registration except for a change of ownership during the term of the registration, in which case the registration would remain valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31;
- i) Allow VR-1 in the following 34 districts: Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor, Village Residential, Downtown Village I, Downtown Village II, Downtown Village Transitional, Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, Shoreland General Development II (Hulls Cove), Shoreland General Development III, Shoreland General Development IV, and Educational Institution; and
- j) Allow VR-2 in the following 18 districts: Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor, Village Residential, Downtown Village I, Downtown Village I, Downtown Village Transitional, Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Ireson Hill Corridor, Salisbury Cove Corridor, Salisbury Cove Village, Town Hill Business, Town Hill Residential Corridor, and Town Hill Residential.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

Please note: Old language is ~~stricken~~. New language is underlined.

Chapter 125 , LAND USE ORDINANCE

Article III. Land uses Activities and Standards

§ 125-17 Bar Harbor Gateway.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; ~~vacation rentals~~; single-family dwelling and two-family dwelling.

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-18 Village Historic.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; ~~vacation rentals~~; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental

Registration.

§ 125-19 Mount Desert Street Corridor District.

C. Allowed Uses

- (1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, single- or two-family dwelling; ~~vacation rentals~~.

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services ; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-20 Village Residential.

C. Allowed Uses

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; roadside stand; ~~vacation rentals~~.

F. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-21 Downtown Village I.

C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; ~~vacation rentals~~; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services-; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services; ~~vacation rentals~~; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services-; and vacation rental-1 and vacation rental-2

provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; ~~vacation rentals~~; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market; home occupation.

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-22 Downtown Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:**

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:**

~~Vacation rentals~~

§ 125-23 Emery District.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-24 Hulls Cove Business.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-26 Hulls Cove Residential Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-27 Hulls Cove Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-28 Indian Point Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or

built:

~~Vacation rentals~~

§ 125-29 Indian Point Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-31 Ireson Hill Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-32 Ireson Hill Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-33 McFarland Hill Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-34 McFarland Hill Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires

~~Vacation rentals~~

§ 125-35 Otter Creek.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-37 Salisbury Cove Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-38 Salisbury Cove Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-39 Salisbury Cove Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-40 Salisbury Cove Village.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-41 Schooner Head.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-43 Town Hill Business.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-44 Town Hill Residential Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-45 Town Hill Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or

built:

~~Vacation rentals~~

§ 125-46 Town Hill Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-47 Shoreland General Development I.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-48 Shoreland Limited Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-49 Shoreland General Development II (Hulls Cove).

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-49.1 Shoreland General Development III.

- C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code

Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility, municipal school; public or private park with minimal structural development; ~~all vacation rentals~~; single-family dwelling and two-family dwelling.

E. Allowed activities.

Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services.; and vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-49.2 Shoreland General Development IV.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, cabins and cottages, ~~all vacation rentals~~, artist studio, home occupation, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

E. Allowed activities.

Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services.; and vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-51.1 Educational Institution.

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

Article V. Site Plan Review

125-69 Standards for particular uses, structures or activities

Y. Short-Term Rentals

(1) Terms, maximum number of registrations, and transfer of registration.

(a) Terms

[1] All registrations expire on May 31 of each year.

[2] If there is a change of ownership mid-term, the registration remains valid for the dwelling unit, or part thereof, to which it was issued until it expires on the following May 31.

(b) Maximum number of registrations

[1] Maximum number of vacation rental-1 (VR-1) registrations

A maximum of two VR-1 registrations per Tax Assessor property identification number for the rental of an entire dwelling unit, or a portion thereof, may be issued. A property owner is only be eligible for a VR-1 registration if that property owner can demonstrate that the dwelling unit or another dwelling unit, on the lot where the VR-1 is located, qualifies as their primary residence.

[2] Maximum number of vacation rental-2 (VR-2) registrations (VR-2 Cap)

Notwithstanding §125-69 Y. (2), the town-wide maximum number of VR-2 registrations (VR-2 cap) that may be issued shall not exceed 9% of the town's total

number of dwelling units. The total number of dwelling units shall be determined by the Assessor at the start of each calendar year.

- (c) Transfer of registration is prohibited.** The transfer of any short-term rental registration is expressly prohibited. For purposes of Vacation Rental Property, a transfer of ownership occurs whenever the property is conveyed as shown on a Maine Real Estate Transfer Tax Declaration, or where a controlling interest in any entity is conveyed as shown on a Maine Controlling Interest Transfer Declaration.

(2) Transition to vacation rental-1 (VR-1) and vacation rental-2 (VR-2), and Continuance.

- (a) Transition process from vacation rental (VR) to a vacation rental-1 (VR-1) or to a vacation rental-2 (VR-2).**

[1] Starting on December 2, 2021, any duly registered VR may continue the use as a VR (to include 4-night minimum and the use of an entire dwelling unit or part thereof) until May 31, 2022. On or before May 31, 2022, the VR registration must be renewed as follows, and every year thereafter the registration must be renewed or it is forfeited:

[a] If the VR is operated in a dwelling unit, or is a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary residence, then the owner shall renew the VR registration as a VR-1. However, if the owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) shall be renewed as VR-2s, even if the maximum number of VR-2 registrations (VR-2 cap) is exceeded and even if VR-2s are not allowed in that district.

[b] If the VR is not operated in a dwelling unit which is the owner's primary residence or is not on the property of the owner's primary residence, the VR registration may be renewed as a VR-2, even if the maximum number of VR-2 registrations (VR-2 cap) is exceeded and even if (new) VR-2s are not allowed in that district.

[2] After December 2, 2021, the Code Enforcement Officer shall accept applications for, but will not process or issue, any new VR-2 registrations until June 1, 2022. On or after June 1, 2022, new VR-2 registrations shall comply with the maximum number of VR-2 registrations (VR-2 cap), pursuant to 125-69 Y. (1)(b)[2].

(b) Continuance of registration for vacation rental-1 (VR-1) and vacation rental-2 (VR-2)

[1] Any duly registered VR-1 or VR-2 may continue the use as a VR-1 or VR-2 and is eligible for renewal but only in strict compliance with the following:

[a] The registration must be renewed annually in accordance with this chapter and with Chapter 174. Short-Term Rental Registration. Any registration not renewed by the annual expiration date (May 31) will be deemed expired, and will not be eligible for renewal. An applicant whose registration has expired may apply for a new VR-1 or new VR-2 registration and will be required to follow all the requirements for a new VR-1 or new VR-2 registration.

Article XII. Construction and Definition

§ 125-109 Definitions.

The following terms shall have the following meanings:

FAMILY:

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit ~~(including a vacation rental)~~ and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, transient accommodations, short-term rental, employee living quarters, or shared accommodations.

PRIMARY RESIDENCE

A primary residence is the location where the owner resides most of the year. The property owner uses this address as their legal address for tax returns, driver's license, and/or voter registration card.

REGISTRATION

A written permission issued by the Code Enforcement Officer or designee to a property owner to operate a short-term rental in compliance with Chapter 174. Short-Term Rental Registration.

SHORT-TERM RENTAL

Includes vacation rental, vacation rental-1 (VR-1) and vacation rental-2 (VR-2)

VACATION RENTAL-1 (VR-1)

A dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence property and is rented to a person or a group for less than 30 days and a minimum of two nights. The rental of a portion of the dwelling, such as a bedroom, must be located in the principal structure housing the dwelling unit.

VACATION RENTAL-2 (VR-2)

An entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days and a minimum of 4 nights.

Explanation:

List of acronyms used in the explanation below:

VR: Vacation rental
VR-1: Vacation rental-1
VR-2: Vacation rental-2

- A. It would create and define two new uses, VR-1 and VR-2.*
- B. It would add a definition for short-term rental, an umbrella term to encompass VR, VR-1 and VR-2.*
- C. Any owner with an existing VR registration would be able to continue operating so long as the registration is renewed annually.*
- D. A VR-1 would be the short-term rental of an owner's primary residence (or a part of it) and/or the rental of another residential dwelling unit on the owner's primary residence property. It would be allowed in the same 34 districts where VRs are presently allowed. It would allow a minimum rental period of two nights. The maximum number of VR-1 registrations allowed per primary residence property would be two.*
- E. A VR-2 would be the short-term rental of a residential dwelling unit that is not the owner's primary residence. It would be allowed in the districts zoned for commercial and lodging activities. It would allow a minimum rental period of four nights. The maximum number of VR-2 registrations allowed for the town as a whole would be capped at 9% (herein referred to as the 9% cap) of the total number of residential dwelling units in Bar Harbor.*

- F. Transfer of any registration would be prohibited. However, if there was a change of ownership during the term of the registration, the registration would remain valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31.*
- G. Any currently registered VR may continue until May 31, 2022.*
- H. On or before May 31, 2022, the VR registration would have to be renewed as a VR-1 for a VR operating in a dwelling unit, or in a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary residence. However, if an owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) would have to be renewed as VR-2s notwithstanding the 9% cap.*
- I. On or before May 31, 2022, the VR registration would have to be renewed as a VR-2 for any VR not operated in a dwelling unit that is the owner's primary residence or is not on the property of the owner's primary residence notwithstanding the district it is in or the 9% cap.*
- J. After December 2, 2021, the Code Enforcement Officer will accept applications for, but will not process or issue, any new VR-2 registrations until June 1, 2022. New VR-2 registrations issued on or after June 1, 2022 will be subject to the 9% cap.*
- K. New VR-1 would be allowed in the following districts. These are the same districts where VRs are presently allowed:*
- | | |
|--|--|
| <i>1. Bar Harbor Gateway</i> | <i>18. McFarland Hill Rural</i> |
| <i>2. Village Historic</i> | <i>19. Otter Creek</i> |
| <i>3. Mount Desert Street Corridor</i> | <i>20. Salisbury Cove Corridor</i> |
| <i>4. Village Residential</i> | <i>21. Salisbury Cove Residential</i> |
| <i>5. Downtown Village I</i> | <i>22. Salisbury Cove Rural</i> |
| <i>6. Downtown Village II</i> | <i>23. Salisbury Cove Village</i> |
| <i>7. Downtown Village Transitional</i> | <i>24. Schooner Head</i> |
| <i>8. Downtown Residential</i> | <i>25. Town Hill Business</i> |
| <i>9. Emery District</i> | <i>26. Town Hill Residential Corridor</i> |
| <i>10. Hulls Cove Business</i> | <i>27. Town Hill Residential</i> |
| <i>11. Hulls Cove Residential Corridor</i> | <i>28. Town Hill Rural</i> |
| <i>12. Hulls Cove Rural</i> | <i>29. Shoreland General Development I</i> |
| <i>13. Indian Point Residential</i> | <i>30. Shoreland Limited Residential</i> |
| <i>14. Indian Point Rural</i> | <i>31. Shoreland Gen. Dev. II (Hulls Cove)</i> |
| <i>15. Ireson Hill Corridor</i> | <i>32. Shoreland General Development III</i> |
| <i>16. Ireson Hill Residential</i> | <i>33. Shoreland General Development IV</i> |
| <i>17. McFarland Hill Residential</i> | <i>34. Educational Institution</i> |

L. *New VR-1 would be prohibited in the following districts. These are the same districts where VRs are presently prohibited:*

- | | |
|-------------------------------|---|
| 1. <i>Industrial</i> | 4. <i>Scientific Research</i> |
| 2. <i>Stream Protection</i> | 5. <i>Shoreland Maritime Activities</i> |
| 3. <i>Resource Protection</i> | 6. <i>Marine Research</i> |

M. *New VR-2 would be allowed, subject to the proposed 9% cap, in the following districts:*

- | | |
|---|--|
| 1. <i>Bar Harbor Gateway</i> | 10. <i>Hulls Cove Business</i> |
| 2. <i>Village Historic</i> | 11. <i>Hulls Cove Residential Corridor</i> |
| 3. <i>Mount Desert Street Corridor</i> | 12. <i>Hulls Cove Rural</i> |
| 4. <i>Village Residential</i> | 13. <i>Ireson Hill Corridor</i> |
| 5. <i>Downtown Village I</i> | 14. <i>Salisbury Cove Corridor</i> |
| 6. <i>Downtown Village II</i> | 15. <i>Salisbury Cove Village</i> |
| 7. <i>Downtown Village Transitional</i> | 16. <i>Town Hill Business</i> |
| 8. <i>Downtown Residential</i> | 17. <i>Town Hill Residential Corridor</i> |
| 9. <i>Emery District</i> | 18. <i>Town Hill Residential</i> |

N. *New VR-2 would be prohibited in the following districts:*

- | | |
|--|--|
| 1. <i>Indian Point Residential</i> | 12. <i>Shoreland Limited Residential</i> |
| 2. <i>Indian Point Rural</i> | 13. <i>Shoreland Gen. Dev. II (Hulls Cove)</i> |
| 3. <i>Ireson Hill Residential</i> | 14. <i>Shoreland General Development III</i> |
| 4. <i>McFarland Hill Residential</i> | 15. <i>Shoreland General Development IV</i> |
| 5. <i>McFarland Hill Rural</i> | 16. <i>Educational Institution</i> |
| 6. <i>Otter Creek</i> | 17. <i>Industrial</i> |
| 7. <i>Salisbury Cove Residential</i> | 18. <i>Stream Protection</i> |
| 8. <i>Salisbury Cove Rural</i> | 19. <i>Resource Protection</i> |
| 9. <i>Schooner Head</i> | 20. <i>Scientific Research</i> |
| 10. <i>Town Hill Rural</i> | 21. <i>Shoreland Maritime Activities</i> |
| 11. <i>Shoreland General Development I</i> | 22. <i>Marine Research</i> |

Recommendations:

The five-member Planning Board did not make a recommendation by majority vote that the proposed amendment ought to be adopted or rejected (vote of 2 to 2).

The 15-member Warrant Committee recommends adoption by a vote of 8 to 1 with 6 recusals.

Article 5 – LAND USE ORDINANCE AMENDMENT – Solar Photovoltaic Systems – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to allow solar photovoltaic systems as principal use;” be enacted?

Solar Photovoltaic Systems

An amendment to Articles III, V, and XII to define ‘solar photovoltaic system, accessory use;’ to create and define a new use ‘solar photovoltaic system, principal use’ and associated definitions; to allow the ‘solar photovoltaic system, principal use’ use in the Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Industrial, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Rural, Scientific Research for Eleemosynary Purposes, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural districts; to exempt the solar panels and arrays of the ‘solar photovoltaic system, principal use,’ from lot coverage and establish additional standards and requirements for safety, fencing and screening, visual impacts, financial capacity, emergency and operation/maintenance plan, decommissioning plan, abandonment, and financial assurance of performance.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article III. Land Use Activities and Standards

§ 125-23 Emery District.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Commercial boatyard

Commercial stable

Kennel, boarding

Municipal school

Noncommercial kennel

Noncommercial stable

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Wireless communications facility

§ 125-24 Hulls Cove Business.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank
Commercial boatyard
Commercial fish pier
Commercial stable
Employee living quarters
Ferry terminal
Hospital
Light manufacturing/assembly plant
Marina
Multifamily dwelling II
Municipal school
Parking lot
Recreational boating facility
Research facility
Research production facility
Road construction
Shared accommodations (SA-2)
Shared accommodations (SA-3)
Solar Photovoltaic System, Principal Use (SPVS-PU)
Transient accommodations (TA-1)
Transient accommodations (TA-2)
Wireless communications facility

§ 125-26 Hulls Cove Residential Corridor.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground
Cemetery
Multifamily dwelling II
Place of worship
Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

§ 125-27 Hulls Cove Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Mineral extraction

Mineral extraction and processing

Mobile home park

Municipal school

Place of worship

Retirement community

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Wireless communications facility

§ 125-28 Indian Point Residential.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Wireless communications facility

§ 125-29 Indian Point Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Cemetery
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Wireless communications facility

§ 125-30 Industrial.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage
Bulk oil and fuel tank storage
Commercial boatyard
Food processing and freezing (excluding slaughterhouse)
Food processing and freezing
Light manufacturing/assembly plant
Mineral extraction
Mineral extraction and processing
Newspaper or printing facility
Other processing and manufacturing facility
Research facility
Research production facility
Retirement community
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Terminal yard and trucking facility
Transportation facility
Upholstery shop
Uses or structures accessory to permitted uses or structures
Warehousing or storage facility
Wholesale business establishment
Wireless communications facility

§ 125-31 Ireson Hill Corridor.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank
Campground
Employee living quarters
Mineral extraction
Mineral extraction and processing

Multifamily dwelling II
Municipal school
Parking lot
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Transient accommodations (TA-1)
Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Transient accommodations (TA-7)
Transient accommodations (TA-8)
Warehousing or storage facility
Wholesale business establishment
Wireless communications facility

§ 125-32 **Ireson Hill Residential.**

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Eleemosynary, educational or scientific institution
Municipal school
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Transient accommodations (TA-1)
Wireless communications facility

§ 125-33 **McFarland Hill Residential.**

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Commercial stable
Municipal school
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Transient accommodations (TA-1)

Veterinary clinic
Wireless communications facility

§ 125-34 McFarland Hill Rural.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial
Cemetery
Commercial stable
Eleemosynary, educational or scientific institution
Municipal school
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Veterinary clinic
Wireless communications facility

§ 125-35 Otter Creek.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Commercial stable
Municipal facility and grounds
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Veterinary clinic
Transient accommodations (TA-1)
Wireless communications facility

§ 125-37 Salisbury Cove Corridor.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Kennel, boarding
Multifamily dwelling II
Place of worship
Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

§ 125-39 Salisbury Cove Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial boatyard

Commercial stable

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Veterinary clinic

Wireless communications facility

§ 125-42 Scientific Research for Eleemosynary Purposes.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Parking deck

Parking lot

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Wireless communications facility

§ 125-43 Town Hill Business.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot
Automobile service station
Bank
Campground
Commercial boatyard
Eleemosynary, educational or scientific institution
Employee living quarters
Food processing and freezing (excluding slaughterhouse)
Food processing and freezing
Hospital
Light manufacturing/assembly plant
Mobile home park
Multifamily dwelling II
Municipal school
Newspaper or printing facility
Parking garage and parking lot
Research facility
Research production facility
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Terminal yard and trucking facility
Transient accommodations (TA-1)
Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Transient accommodations (TA-7)
Transient accommodations (TA-8)
Upholstery shop
Warehousing or storage facility
Wholesale business establishment
Wireless communications facility

§ 125-44 Town Hill Residential Corridor.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial
Campground
Cemetery
Multifamily dwelling II
Municipal school

Municipal facility and grounds

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

§ 125-45 Town Hill Residential.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters

Marina

Mobile home park

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Wireless communications facility

§ 125-46 Town Hill Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Cemetery

Commercial boatyard

Commercial stable

Eleemosynary, educational or scientific institution

Kennel, boarding

Mineral extraction

Mineral extraction and processing

Municipal school

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Wireless communications facility

Article V Site Plan Review

§ 125-67 General review standards.

The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

B. Lot standards.

(8) Exceptions to lot coverage.

- (a) In the required front setback, the footprint of driveways and sidewalks required for access to a site from a public or private road shall not constitute lot coverage, except in the Shoreland Districts. In the application of this standard, any footprint area of the portion of driveways larger than the minimum width required under § 125-67. E. (26) shall constitute lot coverage; and any footprint area of a sidewalk that exceeds four feet in width or is wider than that required under § 125-67. G. (3)(a) shall constitute lot coverage.
- (b) In the required setbacks, essential services shall not constitute lot coverage.
- (c) The panels/arrays of the solar photovoltaic system, principal use (SPVS-PU), located over live ground cover with sufficient space between the panels/arrays and above the ground to allow sunlight for vegetation to grow shall be exempt from lot coverage calculations due to sharing of the space. All other SPVS-PU related amenities such as, but not limited to, roads, etc. are not exempt from lot coverage calculations. Live ground cover includes, but is not limited to, native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators.

§ 125-69 Standards for particular uses, structures or activities.

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

Z. Solar photovoltaic system, principal use (SPVS-PU).

The purpose of these regulations is to allow for the construction and operation of solar photovoltaic systems, principal use (SPVS-PU), that produce energy for use on-site and/or off-site by establishing use-specific standards to ensure that the project is sited and designed to maintain aesthetic quality, visual character, and compatibility with surrounding uses. These regulations do not apply to solar photovoltaic systems accessory to a permitted use or structure.

- (1) Safety.** The SPVS-PU shall be installed in compliance with the NFPA 70 National Electric Code and the NFPA 1 Uniform Fire Code, as adopted by the town.
- (2) Fencing and Screening.** Perimeter fencing, installed around the boundary of the SPVS-PU shall be elevated by a minimum of 5 inches off the ground to allow for passage of small animals. Warning signs shall be posted on the fence. Any portion of the fence visible from a road or abutter's dwelling shall be screened.
- (3) Visual Impacts.** The SPVS-PU shall be sited on a lot in a manner that reduces the visual impacts of the installation to the greatest extent that is practical. The Planning Board may impose design-related conditions where findings of negative impacts on sensitive resources, as listed below, are made.

The applicant shall prepare a visual impact assessment to include a narrative and demonstration detailing the extent to which the proposed SPVS-PU would be visible from any sensitive visual resources: designated scenic resource(s); Acadia National Park; archaeological and historic resources (specifically those listed in the National Register of Historic Places, or eligible for inclusion); and the distance to the proposed SPVS-PU from the designated resources and noted viewpoints.

Information to be submitted shall include:

- (a) A photomontage, field mockup, or other technique(s) to identify the potential visual impacts, at design capacity, of the SPVS-PU on sensitive resources and adjacent properties.**
- (b) Photos showing existing site vegetation, structures, and land uses of the subject lot and abutting properties; views of the proposed SPVS-PU from sensitive visual resources and adjacent properties; and showing the topography of the subject lot and abutting properties.**
- (c) Landscaping, screening, and buffering plan showing location of proposed plantings, screening, and buffering and existing vegetation to be retained.**
- (d) Demonstration that the siting of the SPVS-PU has reduced the visual impact to the extent practical by methods that may include, but are not limited to, the following:**
 - [1] Avoiding impacts to sensitive visual resources, as listed above;**
 - [2] Installing the SPVS-PU in such a way as to use natural topography to obscure the**

project;

[3] Using material and colors that blend with the background; and

[4] Retaining or planting vegetation to obscure views of the SPVS-PU.

(4) Financial capacity. Proof of financial capacity to build, maintain, and remove/decommission the SPVS-PU.

(5) Emergency and Operation/Maintenance Plans

The owner of the SPVS-PU shall provide:

(a) A plan including but not limited to a project summary, electrical schematic, and site plan to the town's Police Chief and Fire Chief. All means of shutting down the SPVS-PU shall be clearly marked.

(b) A 24-hour emergency contact name and phone number to respond to public safety inquiries throughout the life of the SPVS-PU.

(c) A general maintenance schedule for the SPVS-PU including the replacement/removal of all major components during the lifespan of the facility.

(d) A list of cleaning chemicals and solvents, which shall be low in volatile organic compounds, to be used during the operation or maintenance of the SPVS-PU (including biodegradable products).

(e) An Integrated Vegetation Management (IVM) Plan that promotes desirable, stable, low-growing plant communities such as, but not limited to, native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators through the use of appropriate, environmentally sound, and cost-effective methods. The goal is to balance safe, reliable, cost-effective vegetation management to attain stable desired plant communities while minimizing risk to human health and the environment. The plan shall address the following:

[1] The type of existing and proposed plant communities.

[2] Describe the use of control mechanisms to manage unwanted vegetation and promote desirable plant communities short- and long-term, such as, but not limited to: biological control (grazing sheep, goats, and other animals); mechanical and manual control (mowing, cutting, grubbing, hand-pulling, and tilling); cultural control (introduction of specific plants or mulches); and chemical control (application of herbicides).

[3] Quinquennial reevaluation of the IVM plan to determine efficacy, and make adjustments necessary to improve the plan. The findings and proposed amendments to the IVM plan shall be submitted to the Code Enforcement Officer who shall review the plan per the above stated goal, request changes if needed, and accept the plan.

(6) Decommissioning Plan

Within 365 days of the SPVS-PU ceasing operation, including if construction begins but is not completed, the owner shall begin site restoration according to the decommissioning plan approved by the Planning Board. Decommissioning shall be completed within 365 days. The owner shall submit a decommissioning plan to include, but not limited to, the following:

(a) Provision for the notification to the Code Enforcement Officer by certified mail of the

proposed date of the discontinued operations of the SPVS-PU and of the removal schedule.

- (b) Provision for the removal of aboveground and underground equipment and of structures and foundations to least three feet below grade. Underground equipment, structures and foundations that are at least three feet below grade and do not constitute a hazard or interfere with agricultural or other resource-based land use do not need to be removed.
- (c) Provision for the removal of graveled areas, access roads, fences, gates, etc., unless leaving it in place benefits an agricultural or other resource-based land use.
- (d) Provision for the restoration of the surface grade and soil after removal of aboveground structures and equipment.
- (e) Provision for the revegetation of restored soil area with, to the maximum extent possible, native pollinator-friendly seed mixtures and plant species suitable to the area.
- (f) Provisions for the protection of public health and safety, as well as for protection of the environment and natural resources during the site restoration.
- (g) Provisions for the disposal of all solid and hazardous waste in accordance with state and federal waste disposal regulations.
- (h) A schedule for completion of site restoration work.
- (i) An estimated cost to implement the decommissioning plan at the estimated date of decommissioning. The cost is to be determined by an independent registered professional engineer in the State of Maine, to be mutually acceptable by the owner and the Town. The engineer will be paid by the owner but hired by the Town. The cost to implement to the decommissioning plan shall be acceptable to the Town's Finance Director.
- (j) Provision of financial assurance of performance.

(7) Abandonment.

- (a) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances to the Code Enforcement Officer, a SPVS-PU shall be considered abandoned when it fails to operate for more than 365 days.
- (b) If the owner of the SPVS-PU fails to remove the installation within 365 days of abandonment or the proposed date of decommission, the Town of Bar Harbor retains the right to use all available means to cause an abandoned or hazardous SPVS-PU to be decommissioned.

(8) Financial Assurance of Performance

- (a) At the time of approval, the owner of the SPVS-PU shall submit to the town a bond or other financial surety per Article IX of this Chapter, to be approved by the Town Council for 110% of the estimated decommissioning of the facility based on the average life span of the SPVS-PU.
- (b) The bond or other financial surety shall be in effect until the decommissioning of the SPVS-PU facility is completed. The performance guarantee shall be used by the town to remove/decommission the abandoned SPVS-PU (or the use of which has ceased) and associated abandoned structures only if the owner has not done so within the required 365-day period. Financial assurance provisions must be noted in the Planning Board Decision and must be transferred with the development if it is sold.

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

Array:

Multiple solar photovoltaic panels combined together to create a system.

Photovoltaic (PV):

A semiconductor-based device that converts light directly into electricity.

Solar Photovoltaic System, Principal Use (SPVS-PU):

A solar collection system consisting of one or more ground-mounted solar photovoltaic cells, panels or arrays, and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and/or distribution of solar energy for electricity generation.

Solar Photovoltaic System, Accessory Use:

A solar collection system accessory to a permitted use or structure, consisting of one or more roof-mounted and/or ground-mounted solar photovoltaic cells, panels or arrays, and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and/or distribution of solar energy for electricity generation. The ground-mounted solar collection system shall not exceed a total surface area (all panels/arrays) of 20,000 square feet in size.

Explanation:

Photovoltaic systems are presently permitted as an accessory use but not as a principal use. These regulations are intended to allow for the construction and operation of ground-mounted solar photovoltaic systems, as a principal use. It establishes use-specific standards to ensure that projects are sited and designed to maintain aesthetic quality, visual character, and compatibility with surrounding uses. These regulations do not apply to solar photovoltaic systems that would be accessory to a permitted use or structure.

More specifically, it adds four definitions: Array; Photovoltaic; Solar Photovoltaic System, Principal Use (SPVS-PU); and Solar Photovoltaic System, Accessory Use. It proposes to allow Solar Photovoltaic System, Principal Use (SPVS-PU), in the following 19 districts: Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls

Cove Rural, Indian Point Residential, Indian Point Rural, Industrial, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Rural, Scientific Research for Eleemosynary Purposes, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural.

Solar Photovoltaic System, Principal Use (SPVS-PU), would be reviewed by the Planning Board as a Major Site Plan; would be required to meet all requirements of the district(s) where they are proposed to be allowed with the exception that the panels/arrays would be exempt from lot coverage; would be required to submit all applicable information per Submission Requirements §125-66 and meet all applicable General Review Standards per §125-67, as well as the following additional requirements/standards: Safety, Fencing and Screening, Visual Impacts, Financial Capacity, Emergency and Operation/Maintenance Plan, Decommissioning Plan, Abandonment, and Financial Assurance of Performance.

Recommendations:

The five-member Planning Board did not make a recommendation by majority vote that the proposed amendment ought to be adopted or ought not to be adopted (vote of 2 to 2). The 15-member Warrant Committee recommends adoption by a vote of 14 to 0.

Article 6 – LAND USE ORDINANCE AMENDMENT – Bonus Dwelling Units – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to allow Bonus Dwelling Units;” be enacted?

Bonus Dwelling Units

An amendment to Articles III, V and XII to create and define a new use “bonus dwelling unit;” to allow the use in the following districts: Village Historic, Village Residential, Downtown Village I, Downtown Village II, Emery District, Hulls Cove Rural, McFarland Hill Residential, McFarland Hill Rural, Schooner Head, Town Hill Rural, Shoreland General Development I if on public water and sewer, Shoreland General Development II (Hulls Cove) if on public water and sewer, and Shoreland General Development III if on public water and sewer; to exempt the use from having to meet the area per family requirement; to allow a maximum of one bonus dwelling unit per lot that is occupied by a single-family dwelling; to prohibit the use of a bonus dwelling unit as a short-term rental or as a vacation rental; and to prohibit the sale of the bonus dwelling unit separately from the single-family dwelling when these uses are located on a nonconforming lot of record.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article III. Land Use Activities and Standards

§ 125-18 Village Historic.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; bonus dwelling unit; noncommercial greenhouse, and government facility/use.

F. Other requirements.

- (4) Bonus dwelling units are exempt from the area per family requirement.

§ 125-20 Village Residential.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; bonus dwelling unit; multifamily dwelling I; roadside stand; vacation rentals.

G. Other requirements:

- (3) Bonus dwelling units are exempt from the area per family requirement.

§ 125-21 Downtown Village I.

C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services; shared accommodations (SA-1); professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; bonus dwelling unit; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

E. Other requirements.

(3) Bonus dwelling units are exempt from the area per family requirement.

(2) § 125-21.1 Downtown Village II.

C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; bonus dwelling unit; home occupation; multifamily dwelling I.

E. Other requirements.

(3) Bonus dwelling units are exempt from the area per family requirement.

§ 125-23 Emery District.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Bonus dwelling unit

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-27 Hulls Cove Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Agriculture, avocational
Bonus dwelling unit
Commercial garden, greenhouse or nursery
Commercial stable
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Lumberyard or sawmill
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals
Veterinary clinic

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-33 McFarland Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Agriculture, avocational
Bonus dwelling unit
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand

Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

H. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-34 McFarland Hill Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Bonus dwelling unit
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-41 Schooner Head.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Bonus dwelling unit
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse

Public or private park with minimal structural development
Single-family dwelling
Uses or small structures accessory to permitted uses or structures
Uses or structures accessory to permitted uses or structures
Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-46 Town Hill Rural.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Bonus dwelling unit
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Private school
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals
Veterinary clinic

H. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-47 Shoreland General Development I.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or

built:

Accessory dwelling

Bonus dwelling unit, if served by both public water and sewer

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-49 Shoreland General Development II (Hulls Cove).

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Bonus dwelling unit, if served by both public water and sewer

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-49.1 Shoreland General Development III.

- C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home

occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling; and two-family dwelling; and bonus dwelling unit, if served by both public water and sewer.

G. Other requirements.

- (1) Bonus dwelling units are exempt from the area per family requirement.

Article V Site Plan Review

§ 125-69 Standards for particular uses, structures or activities.

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

AA. Bonus Dwelling Units

The purpose of bonus dwelling units is to assist in increasing the housing supply by allowing and encouraging the most efficient use of existing housing by capitalizing on existing infrastructure such as roads, water, sewer, etc.

- (1) There shall be no more than one bonus dwelling unit per lot that is occupied by a single-family dwelling.
- (2) No bonus dwelling unit shall be used as a short-term rental or as a vacation rental.
- (3) No bonus dwelling unit shall be sold separately from the single-family dwelling when both uses are located on a nonconforming lot of record.

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

BONUS DWELLING UNIT

A second dwelling unit allowed on the same lot where only one single-family dwelling unit exists, either within the same building as the single-family dwelling unit or in a detached building. Bonus dwelling units shall comply with the standards in 125-69 AA.

Explanation:

A bonus dwelling unit is a second dwelling unit created on the same lot where only one single-family dwelling unit exist, either within the same building as the single-family dwelling unit or in a detached building. It would be allowed in thirteen districts: Village Historic, Village Residential, Downtown Village I, Downtown Village II, Emery District, Hulls Cove Rural, McFarland Hill Residential, McFarland Hill Rural, Schooner Head, Town Hill Rural, Shoreland General Development I if on public water and sewer, Shoreland General Development II (Hulls Cove) if on public water and sewer, and Shoreland General Development III if on public water and sewer. Bonus dwelling units would be required to meet all dimensional requirements of the districts where they are proposed but would be exempt from having to meet the area per family. A maximum of one bonus dwelling unit would be allowed per lot that is occupied by a single-family dwelling. A bonus dwelling unit would not be able to be registered as a short-term rental or a vacation rental. The sale of the bonus dwelling unit separately from the single-family dwelling, when these uses are located on a nonconforming lot of record, would be prohibited.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 15-member Warrant Committee recommends adoption by a vote of 11 to 2 with 1 abstention.

Article 7 – LAND USE ORDINANCE AMENDMENT – Nonconformity – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding nonconformity;” be enacted?

Nonconformity

An amendment to Article IV to specify that only in the shoreland districts can two or more principal uses or structures located on a nonconforming lot of record be sold separately.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article IV Nonconformity

§ 125-56 Nonconforming lots.

- F. If two or more principal uses or structures exist on a single lot of record in any shoreland district, each may be sold on a separate lot provided that the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

Explanation:

The amendment would specify that two or more principal uses or structures located on a nonconforming lot of record can be sold separately only in the shoreland districts (consistent with the Mandatory Shoreland Zoning Act), not town-wide. It would correct an error of omission where the words “in any shoreland district” were inadvertently left out of the June 8, 2010 draft order “Shoreland Standards.” This error of omission has resulted in a loophole where property owners are able to split conforming lots and non-conforming lots of record resulting in the creation or increase of nonconformity beyond the shoreland districts, which was not intended.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 15-member Warrant Committee recommends adoption by a vote of 14 to 0.

Article 8 – LAND USE ORDINANCE AMENDMENT – Accessory Dwelling Units –

Shall an ordinance, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding accessory dwelling units;” be enacted?

Accessory Dwelling Units

An amendment to Article III and XII to delete the definition of accessory dwelling unit and the use from the following districts: Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, and Shoreland General Development II (Hulls Cove).

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as

follows:

[Please note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article III Land Use Activities and Standards

§ 125-22 Downtown Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-23 Emery District.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-24 Hulls Cove Business.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-26 Hulls Cove Residential Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-27 Hulls Cove Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Commercial stable

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Lumberyard or sawmill

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

§ 125-28 Indian Point Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-29 Indian Point Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-31 Ireson Hill Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-32 Ireson Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure

requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-33 McFarland Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-34 McFarland Hill Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-35 Otter Creek.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-37 Salisbury Cove Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction

Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Kennel
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-38 Salisbury Cove Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Kennel
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-39 Salisbury Cove Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market

Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-40 Salisbury Cove Village.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-41 Schooner Head.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse
Public or private park with minimal structural development
Single-family dwelling

Uses or small structures accessory to permitted uses or structures
Uses or structures accessory to permitted uses or structures
Vacation rentals

§ 125-43 Town Hill Business.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built

~~Accessory dwelling~~

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

§ 125-44 Town Hill Residential Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Shared accommodations (SA-1)
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-45 Town Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-46 Town Hill Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market

Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Private school
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals
Veterinary clinic

§ 125-47 Shoreland General Development I.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-48 Shoreland Limited Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Public or private park with minimal structural development
Single-family dwelling
Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes
Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-49 Shoreland General Development II (Hulls Cove).

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

~~DWELLING UNIT, ACCESSORY~~

~~A single self-contained dwelling unit which is part of, attached to, or located on the premises of a principal single family dwelling unit. This dwelling unit consists of one or more rooms with separate kitchen and bathroom facilities that occupies no more than 1/3 of the gross floor area of the principal single family dwelling. The calculation of size of the accessory dwelling is exclusive of any garage, basement, shed or other accessory use structure attached to or part of such single family dwelling.~~

Explanation:

The amendment would delete the definition of accessory dwelling unit. As defined, there are no benefits or incentives to being permitted as an accessory dwelling unit instead of a dwelling unit. It would also delete the use from the following districts: Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential,

Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, and Shoreland General Development II (Hulls Cove).

In 2006, the town voted to approve an amendment “Weekly Rentals” entitled “An ordinance to amend the Bar Harbor Code, Chapter 125, Land Use Ordinance §§ 125-54 and 109, and Appendix C, to establish definitions and standards for the regulation of vacation rentals and accessory dwellings.” The amendment created and defined a new use “Dwelling Unit, Accessory” and allowed it in certain districts. The amendment allowed homestead exemption properties to have a weekly rental plus one accessory dwelling unit. On June 14, 2011, the town voted to approve an amendment “Vacation Rentals” entitled “An amendment to allow Vacation Rentals in nearly all zoning districts and revise the regulatory permitting process.” It resulted in the removal of all references to “Homestead exempt” and “Non-homestead exempt” properties but did not remove the definition of “Dwelling Unit, Accessory,” or any of the districts where it was being allowed which were part of the original (2006) weekly rental amendment.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 15-member Warrant Committee recommends adoption by a vote of 14 to 0.

Article 9 – LAND USE ORDINANCE AMENDMENT – Appendix A — Historic Properties

— Shall an ordinance, dated July 8, 2021, and entitled “An amendment to Appendix A — Historic Properties in Design Review Overlay District” be enacted?

Appendix A – Historic Properties

An amendment to Appendix A — Historic Properties in Design Review Overlay District
The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Tax Map/ Lot #	Historic Name	Address	Present Name	Date Built	National Register	Significance
103-012-000	Villa Mary	77 Eden Street	Villa Mary	1879-80	Yes	National Register property
103-015-000	Bagatelle <u>(home & carriage house only)</u>	75 Eden Street	Bagatelle (home & carriage house only)	1883	Yes	National Register property
103-016-000	Fenwold	6 Harbor Lane	Fenwold	1891	Yes	National Register property

104-002-000	The Breezes	125 West Street	The Breezes	c. 1900	Yes	National Register property
104-003-000	Greenlawn	123 West Street	Greenlawn	1884	Yes	National Register property
104-004-000	Saltair	121 West Street	Saltair	1887	Yes	National Register property
104-005-000	The Tides	119 West Street	The Tides	1887	Yes	National Register property
104-007-000	The Sunset	115 West Street	The Sunset	1911	Yes	National Register property
104-009-000	The Bar Harbor Club	111 West Street	The Bar Harbor Club	1929-30	Yes	National Register property
104-009-000	Guelph	111 West Street	Rosebriar	c. 1875	Yes	National Register property
104-015-000	Charles Marinke Residence	130 West Street	Charles Marinke Residence	c. 1912	-	Possible National Register district
104-032-000	Blanchfield House	37 Eden Street	Blanchfield House	c. 1865		Architectural/historical
104-033-000		41 Eden Street	Caruso Residence	c. 1890		Architectural/historical
104-037-000	The Crossways	4 Holland Avenue	The Crossways	1901	Yes	National Register property
104-038-000	Westfield	120 West Street	Westfield	1901	Yes	National Register property
104-039-000	Maisonette	118 West Street	Maisonette	1886	Yes	National Register property
104-040-000	Chantier	116 West Street	Chantier	1887	Yes	National Register property
104-041-000	The Kedge	112 West Street	The Kedge	c. 1870	Yes	National Register property
104-058-000	Bar Harbor High School	93 Cottage Street	Bar Harbor Municipal Building	1907-08		Architectural/historical
104-061-000	Robert Hodgkins residence	69 Cottage Street	Cottage on Cottage			Architectural
104-068-000	Petunia Cottage	110 West Street	Petunia Cottage	1887	Yes	National Register property
104-069-000	Foster Cottage	108 West Street	Foster Cottage	1878	Yes	National Register property
104-070-000	<u>Boscobel</u>	106 West Street	Manor House Inn	1887	<u>Yes</u>	<u>Architectural National Register property</u>
104-092-000	Dr. Norton's Office	67 Cottage Street	Dr. Parks' Office			Architectural
104-097-000	Thankful Cottage	1 Billings Avenue	Thankful Cottage	c. 1850		Architectural
104-112-000	U.S. Post Office	55 Cottage Street	U.S. Post Office	1909	Yes	National Register property
104-121-000		17 Main Street	Galyn's	<u>c. 1892</u>		Architectural

104-137-000		23 Cottage Street	Cadillac North Face	c. 1900		Possible National Register district
104-139-000		29 Cottage Street	Cadillac AG	c. 1910		Possible National Register district
104-140-000	Criterion Theatre	35 Cottage Street	Criterion Theatre	1932	Yes	National Register property
104-141-000	Odd Fellows Hall	39 Cottage Street	Odd Fellows Hall	c. 1937		Local landmark
104-157-000	Haraden residence	130 Cottage Street	Carrying Place 2 Cats	<u>c. 1884</u>		Architectural
104-181-000	Everett Liscomb residence	112 Cottage Street	Coplon Assoc./Dobbs Prod.	-	-	Historical personage
104-237-000		73 Mt. Desert Street	Primrose Inn	<u>c. 1878</u>		Architectural
104-238-000	Ash Cottage	69 Mt. Desert Street	Mira Monte Inn	1864		Architectural
104-244-000	H.A. Brown Furniture	74 Cottage Street	Salon NaturELLES			Architectural
104-254-000	Christian Science Church	57 Mt. Desert Street	White Columns Inn	1937		Architectural/historical
104-255-000	Stonethrow	67 Mt. Desert Street	Stonethrow	<u>c. 1860</u>		Architectural
104-268-000	American Legion Hall	70 Cottage Street	American Legion Hall	<u>c. 1928</u>		Architectural/historical
104-297-000		47 Mt. Desert Street	Thornhedge Inn	<u>1900</u>		Architectural
104-317-000		45 Mt. Desert Street	Stratford House Inn	1900		Architectural
104-318-000	St. Saviour's Church and Rectory	41 Mt. Desert Street	St. Saviour's Church and Rectory	1900	Yes	National Register property
104-326-000	Central House	60 Cottage Street	Central House	<u>1887</u>		Architectural/historical
104-342-000	Bar Harbor Congregational Church	29 Mt. Desert Street	Bar Harbor Congregational Church	1951		Architectural/historical
104-355-000		46 Cottage Street	Rosalie's	<u>c. 1900</u>		Architectural
104-372-000		14 Cottage Street	Village Emperium Pink Pastry Shop	c. 1889		Possible National Register district
104-373-000		8 Cottage Street	Epicurean			Architectural
104-383-000	Emery Block Building	103 Main Street	Bar Harbor Savings & Loan Assn.	<u>c. 1900</u>		Architectural
104-386-000	Lyford Woodard Building	109 Main Street	Fenton et al. Law Offices Bar Harbor Law Offices	<u>c. 1887</u>		Architectural/historical

104-387-000	F.H. Moses Florist Shop	113 Main Street	Stone Soup	1904		Architectural
104-392-000	Bar Harbor Police Station	38 Rodick Street	Coston & McIsaac	<u>c. 1900</u>		Architectural/ historical
104-401-000	Comfort Station	Firefly Lane	Information Building			Architectural/ historical
104-401-000	Bar Harbor Fire Station	Firefly Lane	Bar Harbor Fire Station	1911		Architectural/ historical
104-403-000	Village Green	Main and Mt. Desert	Bandstand, clock, fountain	various		Local landmark
104-413-000		74 Mt. Desert Street	Holbrook House Inn	<u>c. 1890</u>		Architectural
104-419-000	Holy Redeemer Roman Catholic Church	56 Mt. Desert Street	Holy Redeemer Roman Catholic Church	1907		Architectural/ historical
104-432-000	Y.W.C.A.	36 Mt. Desert Street	Y.W.C.A.	1913		Local landmark
104-433-000	Jesup Memorial Library	34 Mt. Desert Street	Jesup Memorial Library	1911		Architectural/ historical
104-450-000	YMCA	26 Mt. Desert Street	Abbe Museum	<u>1928</u>		<u>Architectural/ historical</u> <u>Local landmark</u>
104-481-0001	McKay Cottages	227 Main Street	McKay's Restaurant			Architectural
104-492-000		194 Main Street	Ivy Manor			Architectural
104-493-000		166 Main Street	Window Panes			Architectural
104-494-000	Adler's Town & Country	164 Main Street	Independent Cafe/Katahdin Photo Gallery	-	-	
104-497-000	Butterfields	154 Main Street	Sailor & Hook			Architectural/ historical
104-504-000	Pine and Palm (original facade only)	134 Main Street	Acadia Corporation	c. 1883		Architectural/ historical
104-507-000	Sproul's Cafe	128 Main Street	Ward Building	1880	Yes	National Register property
104-509-000	Bee's Candy	116 Main Street	Hemporium	c. 1880		Architectural/ historical
104-510-000	Caleb's	112 Main Street	The Barnacle	<u>c. 1900</u>		Architectural
104-512-000	First National Bank (<u>original building only</u>)	102 Main Street	First National Bank			Architectural/ historical
104-519-000	Grant Building	80 Main Street	The Christmas Spirit Shop <u>Dali's Jewelry</u>	1897		Architectural/ historical
104-523-000	The Mount Desert Reading Room	8 Newport Drive	Bar Harbor Inn (<u>original</u>)	1887		Architectural/ historical

	<u>(original reading room only)</u>		reading room only)			
104-525-000	Morrison Building	62 Main Street	Morrison Building	1897		Architectural/historical
104-528-000	Sherman's Bookstore	56 Main Street	Sherman's Bookstore			Architectural
<u>104-530-000</u>	<u>Agamont Park fountain</u>	<u>3 Newport Drive</u>	<u>Agamont Park fountain</u>			<u>Local landmark</u>
104-531-000	Bar Harbor Banking & Trust	82 Main Street	Bar Harbor Banking & Trust	1887		Architectural/historical
105-001-000	Bass Cottage	14 The Field	Bass Cottage Inn	1885		Possible National Register district
105-002-000	Ullikana	16 The Field	Ullikana	1885		Possible National Register district
107 219-000	Bangor Hydro Building	18 Edgewood Street	Bangor Hydro Building			Architectural/historical
108-003-000	E.G. Jordan Building	288 Main Street	Acadia Frameworks	-	-	Architectural
108-005-000	Edgar Morang Residence	278 Main Street	<u>Tea House Project Social</u>	1924		Architectural
108-068-000	Bar Harbor Water Co.	337 Main Street	Anchor Space			Architectural
Signs						
104-0125-000	Geddy's Pub Moose	19 Main Street	<u>Geddy's Pub Moose</u>			Local landmark
104-140-000	Criterion Theatre marquee	35 Cottage Street	<u>Criterion Theatre marquee</u>	<u>1932</u>	<u>Yes</u>	National Register property
104-384-000	West End Drug stained glass	105 Main Street	<u>West End Drug stained glass</u>			Architectural/historical
104-512-000	First National Bank clock sign	102 Main Street	<u>First National Bank clock sign</u>			Architectural/historical
104-531-000	Bar Harbor Banking & Trust awning sign	82 Main Street	<u>Bar Harbor Bank & Trust awning sign</u>	<u>1887</u>		Architectural/historical

Explanation:

This amendment adds one structure to the list, removes four structures that no longer meet the requisite criteria for inclusion, and updates/corrects names (past and/or present) and adds dates of construction for multiple buildings or structures.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 15-member Warrant Committee recommends adoption by a vote of 14 to 0.

The Registrar of Voters or her designee will be at the Municipal Offices Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, and during poll hours on Election Day for voter registration. Must provide proof of identity and proof of residency.

The last day to request an absentee ballot or to vote by absentee ballot in the presence of the clerk is Thursday, October 28, 2021 at 5:00 p.m. The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, November 2, 2021 for election of the Moderator and referendum balloting. Absentee ballots will be processed on Saturday, October 30, 2021 starting at 9:00 a.m., or immediately following a requested inspection, and on Election Day every hour on the hour starting at 9:00 a.m.

Given under our hands this twenty-first day of September 2021.

Municipal Officers of the Town of Bar Harbor


Jefferson Dobbs, Chair


Matthew A. Hochman, Vice Chair

Gary Friedmann

Jill Goldthwait


Erin Cough


Joseph Minutolo


Valerie Peacock

Attest:

A true copy

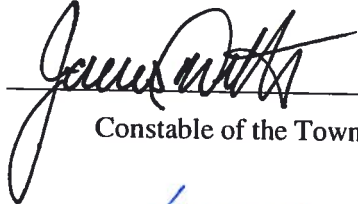

Town Clerk of Bar Harbor, ME

9/21/2021 6:00 PM

CONSTABLE'S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the 24 day of September in the year Two Thousand and Twenty-One.


Attest:



Constable of the Town of Bar Harbor

Attest:

A true copy



Town Clerk of Bar Harbor, ME